

**Remarks**

Claims 1-20 are pending but stand rejected. Claims 1, 5-8, 15-17, and 19 have been amended. In view of the amendments and the following remarks, the Applicant respectfully requests the Examiner's thoughtful reconsideration.

***CLAIM REJECTIONS – 35 USC §112***

The Examiner rejected Claims 4, 5, and 11-13 noting problems with antecedent basis. The amendments to the Claims have rendered the rejection moot.

***CLAIM REJECTIONS – 35 USC §102***

Claims 1, 5, 8, 11, and 15-19 were rejected under 35 U.S.C. §102 as being anticipated by USPN 4,600,366 issued to Stenner.

Claim 1 is directed to a roller assembly and recites the following:

1. a rotor having at least one roller mounted in the rotary portion of the pump for contact with the resilient tubing, the at least one roller having a range of rotation in contact with the tubing during pump operation; and
2. a rotor control mechanism adapted and constructed to stop the rotor such that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped.

The Applicant asserts that Stenner fails to teach or suggest a roller assembly that includes a rotor control that is constructed to stop a rotor such that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped. The Examiner mistakenly equates Stenner's feed rate control mechanism (10) with the rotor control mechanism of Claim 1. Stenner's control mechanism (10), seen in Stenner's Fig. 2, includes a

number of components that operate to cause the internal components of a pump to intermittently rotate and remain stationary during each given revolution of a pump drive so that in a given revolution the actual pumping time can be adjusted from 0% to 100%. Stenner, col. 2, line 43 through col. 3, line 11.

Stenner does not mention the stopping of a pump operation. Stenner never even hints that its control mechanism (10) can stop a rotor such that a roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped.

For at least these reasons, Claim 1 is patentable over Stenner as are Claims 2-7 which depend from Claim 1.

**Claim 8** is directed to a roller assembly and recites the following:

1. a rotor having a pair of rollers mounted at circumferentially spaced-apart positions in the rotary portion of the pump for contact with the resilient tubing, the rollers having a range of rotation in contact with the tubing during pump operation; and
2. a rotor control mechanism adapted and constructed to stop the rotor so that one of the rollers of the pair of rollers is stopped at a single, predetermined location on the tubing when the pump operation is stopped.

With respect to Claim 1, it was clarified that Stenner does not even hint that its control mechanism (10) can stop a rotor such that a roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped. For the same reason, Stenner also fails to teach or suggest a rotor control mechanism adapted and constructed to stop the rotor so that one of the rollers of the pair of rollers is stopped at a single, predetermined location on the tubing when the pump operation is stopped.

For at least this reason, Claim 8 is patentable over Stenner as are Claims 9-14 which depend from Claim 8.

**Claim 15** is directed to a method for operating a pump and recites the following:

1. mounting a rotor having at least one roller in the rotary portion of the pump for contact with the resilient tubing, the at least one roller having a range of rotation in contact with the tubing during pump operation;
2. operating the pump by rotating the rotor; and
3. stopping the rotor by using a rotor control mechanism to stop the rotor so that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped.

With respect to Claim 1, it was clarified that Stenner does not even hint that its control mechanism (10) can stop a rotor such that a roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped. For the same reason, Stenner also fails to teach or suggest a method that includes stopping a rotor by using a rotor control mechanism to stop the rotor so that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped.

For at least this reason, Claim 15 is patentable over Stenner as are Claims 16-20 which depend from Claim 8.

#### ***CLAIM REJECTIONS – 35 USC §103***

Claims 6 and 13 were rejected under 35 U.S.C. §103 as being unpatentable over Stenner in view of USPN 5,133,440 issued to Lang and in further view of USPN 3,636,570 issued to Nielson.

**Claim 6** depends from Claim 1 and includes all of the limitations of that base claim. As such Claim 6, like Claim 1, recites a rotor control mechanism

adapted and constructed to stop the rotor such that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped. This is not taught by Stenner and Lang and Nielson are silent on this point. For at least this reason, Claim 6 is patentable over Stenner, Lang, and Nielsen.

**Claim 13** depends from Claim 8 and includes all of the limitations of that base claim. As such Claim 13, like Claim 8, recites a rotor control mechanism adapted and constructed to stop the rotor so that one of the rollers of the pair of rollers is stopped at a single, predetermined location on the tubing when the pump operation is stopped. This is not taught by Stenner and Lang and Nielson are silent on this point. For at least this reason, Claim 13 is patentable over Stenner, Lang, and Nielsen.

#### ***CLAIM REJECTIONS – 35 USC §103***

Claims 7, 9-10, 12, 14, and 20 were rejected under 35 U.S.C. §103 as being unpatentable over Stenner in view of USPN 3,799,702 issued to Weishaar.

**Claim 7** depends from Claim 1 and includes all of the limitations of that base claim. As such, Claim 7, like Claim 1, recites a rotor control mechanism adapted and constructed to stop the rotor such that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped. This is not taught by Stenner and Weishaar is silent on this point. For at least this reason, Claim 7 is patentable over Stenner and Weishaar.

**Claims 9, 10, 12, and 14** depend from Claim 8 and includes all of the limitations of that base claim. As such each of these Claims, like Claim 1, recites a rotor control mechanism adapted and constructed to stop the rotor so that one of the rollers of the pair of rollers is stopped at a single, predetermined location on the tubing when the pump operation is stopped. This is not taught by Stenner and Weishaar is silent on this point. For at least this reason, Claims 9, 10, 12, and 14 are patentable over Stenner and Weishaar.

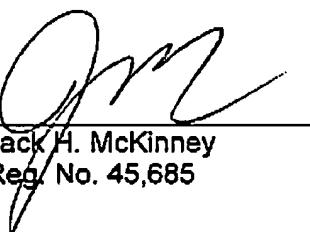
**Claim 20** depends from Claim 15 and includes all of the limitations of that base claim. As such, Claim 20, like Claim 15, recites stopping the rotor by using a rotor control mechanism to stop the rotor so that the at least one roller is stopped at a single, predetermined location on the tubing when the pump operation is stopped. This is not taught by Stenner and Weishaar is silent on this point. For at least this reason, Claim 20 is patentable over Stenner and Weishaar.

**Conclusion**

In view of the foregoing remarks and amendments, Applicant respectfully submits that Claims 1-20 define allowable subject matter. The Examiner is requested to indicate the allowability of all claims in the application and to pass the application to issue.

Respectfully submitted,  
David R. Ortiz

By

  
Jack H. McKinney  
Reg. No. 45,685

June 30, 2006